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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/205,077 12/05/98 MAKUCH

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EXAMINER

TM02/0402

GRAY, CARY, WARE & FREIDENRICH LLP  
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SUITE 1440  
AUSTIN TX 78701

ART UNIT

PAPER NUMBER

2153  
DATE MAILED:

04/02/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/205,077

Applicant(s)

MaKuch et al.

Examiner

KRISNA LIM

Group Art Unit

2153

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE (3) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on 1/16/01
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-7 and 9-20 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-7 and 9-20 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
  - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

Office Action Summary

Art Unit: 2758

1. Claims 1-7 and 9-20 are still pending for examination, and claim 8 was canceled.
2. Claims 1-7 and 9-20 are rejected under 35 U.S.C. 103(a) as obvious over Barrett et al. [U.S. Patent No. 5,727,129] in view of Rosenberg et al. [U.S. Patent No. 5,740,430] and Davis et al. [U.S. Patent No. 5,796,952].
7. Barrett et al. disclosed (e.g., see Figs. 2, 5A to 6C) the invention substantially as claimed. Taking claims 1-7 and 9-10 as exemplary claims, the reference disclosed a method of customizing a web site operating on a server computer, comprising the steps of:
  - a) tracking visitor interests in the content of the web site [e.g., see an abstract, Figs. 1, 3-5 and 8];
  - b) generating a specific visitor profile [e.g., see items 2-23 of Fig. 3];
  - c) generating a pre-customized displays [e.g., see an abstract, Fig. 7];
  - d) caching the set of pre-customized display [e.g., see items 2-23 of Fig. 3]
  - e) displaying the pre-customized display to the visitor [e.g., see an abstract, Figs. 1, 3-5, 8]; and
  - f) analyzing the visitor profile [e.g., see items 24-38 of Fig. 4, Fig. 5].
8. While Barrett et al. disclose the system for assisting a user in accessing information stored at the remote network site based on the user's past history of network usage (e.g., see the abstract), Barrett et al. did not explicitly that his server computer dynamically generated and then stored in the cache the customized pages request from a user computer. Such feature was clearly taught by Rosenberg et al. (e.g., see an abstract).

Art Unit: 2758

Barrett et al. did not explicitly detail the use of multiple servers to operate in parallel in order to store the user profile. Such multiple servers are clearly taught by Davis et al. (e.g., see an abstract, Figs. 1-7).

Since all of these three references are directed to the system for operating a client-server computer network such that customized web pages (user's profile or user's activities) can be pre-generated before a user request in order to same time and optimize the operation of the network. Thus, It would have been obvious to one of ordinary skilled in the art at the time the invention was made to the teaching of these three references in order to have a client-server system that can operate in optimum way.

9. Barrett et al. did not explicitly prioritize the categories in the visitor profile in order to analyze the visitor profile. It would have been obvious to one of ordinary skilled in the art at the time the invention was made to recognize that such specific function would have been a matter of programming choice.

10. Claims 11-20 are similar in scope as of claims 1-7 and 9-10, and therefore claims 11-20 are rejected for the same reasons set forth above for claims 1-7 and 9-10.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2758

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The references are cited in the Form PTO-892 for the applicant's review.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900. examiner should be directed to **Krisna Lim** whose telephone number is (703) 305-9672. The examiner can normally be reached on Monday to Thursday from 6:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Mr. Ahmad Matar, can be reached on (703) 305-4731. The formal fax phone number for this Group is (703) 308-9052. The informal fax phone number for this Group is (703) 308-5357.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [ahmad.matar@uspto.gov].


All Internet e-mail communication will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirement of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Office Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Art Unit: 2758

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

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March 27, 2001



KRISNA LIM  
PRIMARY EXAMINER